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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,064

02/20/2004

Steven E. Brown

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01/10/2007

EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/783,064	Applicant(s) BROWN ET AL.	
	Examiner Amina Khan	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendment's filed on October 19, 2006.
2. Claims 1-10 and 41-48 are pending. Claims 11-40 have been cancelled. Claims 1 and 41 have been amended. Claims 47 and 48 are new.
3. All prior rejections are withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 47 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 47 and 48 both recite additional ingredients to the compositions of claims 1 and 41, respectively, rendering the claims indefinite. Since claims 1 and 41 recite "consisting of" language with regards to the cleaning composition, additional ingredients may not be added in further dependent claims. Appropriate correction of the claim language is required.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594).

Froehlich et al. teach methods of cleaning carpets where compositions comprising 30-90% particulate polymeric urea-formaldehyde having a particle size of 10-105 microns and a oil absorption value of no less than 90, and about 10-70% fluid, wherein the fluid is up to 100% water and the water contains sufficient surfactant to give a surface tension of less than 40 dynes per centimeter (column 1, lines 40-52; column 2, lines 40-50; column 4, lines 1-4), and optionally dust suppressants (column 3, lines 45-58) are applied to carpets. Froehlich et al. further teach methods of agitated into the carpet, dried and removed by vacuum cleaner (column 5, lines 45-55).

Froehlich et al. does not teach air as a component of the compositions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the compositions and methods of Froehlich et al. would encompass air at the claimed ranges because air would be trapped inside the water in bubble form and would also be incorporated during the agitation steps. Optimization of the concentration of air incorporated would only require routine skill in the art to provide a maximally clean carpet. One of ordinary skill in the art would expect the teachings of Froehlich to possess the claimed air ranges absent unexpected results.

8. Claims 2,8,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) as applied to the claims above and further in view of Roberts et al. (US 6,125,498).

Froehlich et al. is relied upon as set forth above.

Froehlich et al. does not teach carpet cleaning machines which are battery operated.

Roberts et al., in the analogous art of carpet and upholstery cleaning (column 4, lines 33-35 and column 9, lines 63-67), teach handheld carpet and upholstery cleaning machines which are battery operated (column 3, lines 29-33), wherein the liquid cleaner is dispensed from a spray nozzle and applied by a squeegee or brush (column 2, lines 1-6 and 33-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Froehlich by adding the carpet/upholstery cleaning machine taught by Roberts because Roberts teaches the improved carpet cleaning benefits provided by hand held cleaning machines. One of ordinary skill in the art would have been motivated to combine the teaching of the references absent unexpected results.

9. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) as applied to the claims above, and further in view of

shoplet.com

(<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec01/ec0074/index.html>).

Froehlich et al. is relied upon as set forth above.

Froehlich et al. does not teach one gallon containers with removable caps and synthetic applicators with tips for dispensing the compositions.

The website shoplet.com teaches that carpet cleaners currently on the market, such as Resolve® Spot Magic®, are conventionally sold in aerosol cans with detachable caps, nozzles with openings, and canisters with a volume of less than 1 gallon (in this case 14 oz).

It would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al. into the canisters demonstrated by shoplet.com for dispensing since this is conventionally known in the art to be an effective method for packaging and dispensing of the composition onto carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

10. Claims 7,41-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froehlich et al. (US 4,013,594) and further in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec01/ec0074/index.html>), as applied to the claims above, and further in view of Hoxie (US Patent 3,184,781).

Froehlich et al. and shoplet.com are relied upon as set forth above.

Froehlich et al. and shoplet.com do not teach foam or bristle scrubbing mechanisms.

Hoxie, in the analogous art of upholstery shampooers (column 2, lines 7-9), teaches attachable heads for aerosol cans (column 1, lines 23-25), which have bristles and sponge foams (column 3, lines 6-73).

It would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al. into the canisters demonstrated by shoplet.com for dispensing with the caps taught by Hoxie et al. for scrubbing since this is conventionally known in the art to be an effective method for packaging, dispensing and utilizing the composition to provide maximal cleaning benefits to carpets and upholstery. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AK

Amina Khan, PhD

January 5, 2007

Lorna M. Douyon

**LORNA M. DOUYON
PRIMARY EXAMINER**